

NATIONAL RECOVERY ADMINISTRATION

**AMENDMENT TO
CODE OF FAIR COMPETITION
FOR THE
EARTHENWARE
MANUFACTURING INDUSTRY**

AS APPROVED ON AUGUST 31, 1934



**UNITED STATES
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Approved Code No. 322—Amendment No. 1

AMENDMENT TO CODE OF FAIR COMPETITION
FOR THE
EARTHENWARE MANUFACTURING INDUSTRY

As Approved on August 31, 1934

ORDER

**APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE
EARTHENWARE MANUFACTURING INDUSTRY**

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of an amendment to a Code of Fair Competition for the Earthenware Manufacturing Industry and hearings having been duly held thereon and the annexed report on said amendment, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise; do hereby incorporate, by reference, said annexed report and do find that said amendment and the Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and do hereby order that said amendment be and it is hereby approved, and that the previous approval of said Code is hereby modified to include an approval of said Code in its entirety as amended.

HUGH S. JOHNSON,
Administrator, for Industrial Recovery.

Approval recommended:

C. E. ADAMS,
Division Administrator.

WASHINGTON, D.C.,
August 31, 1934.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: An Opportunity to be Heard on an amendment to the Code of Fair Competition for the Earthenware Manufacturing Industry, submitted by the Code Authority for that Industry, in accordance with the provisions of the National Industrial Recovery Act, has been afforded to all parties at interest.

The amendment is to provide for Compulsory Assessments for the expenses of the Maintenance of the Code Authority.

FINDINGS

The Deputy Administrator in his final report to me on said amendment to said Code having found as herein set forth and on the basis of all the proceedings in this matter;

I find that:

(a) The amendment to said Code and the Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among trade groups by inducing and maintaining united action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restrictions of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor and by otherwise rehabilitating industry.

(b) The Code as amended complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Sub-section (a) of Section 3, Sub-section (a) of Section 7 and Sub-section (b) of Section 10 thereof.

(c) The Code empowers the Code Authority to present the aforesaid amendment on behalf of the Industry as a whole.

(d) The amendment and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(e) The amendment and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said amendment.

Respectfully,

HUGH S. JOHNSON,
Administrator.

AUGUST 31, 1934.

AMENDMENT TO CODE OF FAIR COMPETITION FOR THE EARTHENWARE MANUFACTURING INDUSTRY

The Code of Fair Competition for the Earthenware Manufacturing Industry shall be modified by deleting Section 7 of Article VI, and by deleting subsections (f) and (g) Section 9, Article VI; and by changing subsection (h) of Section 9, Article VI to subsection (f); and by changing Section 8 of Article VI to Section 7; and by changing Section 9 of Article VI to Section 8; and by changing the second Section 9 of Article VI (Which Section appears immediately preceding Article VII in the printed Code) to Section 10; and by inserting the following as Section 9:

1. It being found necessary in order to support the administration of this Code and to maintain the standards of fair competition established hereunder and to effectuate the policy of the Act, the Code Authority is authorized:

(a) To incur such reasonable obligations as are necessary and proper for the foregoing purposes, and to meet such obligations out of funds which may be raised as hereinafter provided and which shall be held in trust for the purposes of the Code.

(b) To submit to the Administrator for his approval, subject to such notice and opportunity to be heard as he may deem necessary (1) an itemized budget of its estimated expenses for the foregoing purposes, and (2) an equitable basis upon which the funds necessary to support such budget shall be contributed by members of the Industry.

(c) After such budget and basis of contribution have been approved by the Administrator, to determine and obtain equitable contribution as above set forth by all members of the industry and to that end, if necessary, to institute legal proceedings therefor in its own name.

2. Each member of the industry shall pay his or its equitable contribution to the expenses of the maintenance of the Code Authority, determined as hereinabove provided, and subject to rules and regulations pertaining thereto issued by the Administrator. Only members of the industry complying with the Code and contributing to the expenses of its administration as hereinabove provided, shall be entitled to participate in the selection of the members of the Code Authority or to receive the benefits of any of its voluntary activities or to make use of any emblem or insignia of the National Recovery Administration.

3. The Code Authority shall neither incur nor pay any obligation substantially in excess of the amount thereof as estimated in its approved budget, and shall in no event exceed the total amount contained in the approved budget except upon approval of the Administrator, and no subsequent budget shall contain any deficiency

item for expenditures in excess of prior budget estimates except those which the Administrator shall have so approved.

4. Failure on the part of any member of the industry to contribute his or its equitable contribution to the expenses of maintaining the Code Authority, determined as hereinabove provided, shall be a violation of this Code subject however to rules and regulations issued by the Administrator which pertain hereto.

Approved Code No. 322—Amendment No. 1.
Registry No. 1016-03.



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